

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**JOSE CARLOS AVINA  
AND ALL OTHERS SIMILARLY  
SITUATED**

Plaintiffs,

**V.**

**SPECIAL CHEERS  
FRITZI GLOVER STROWMATT and  
CHAD STROWMATT**

## Defendants

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**CIVIL ACTION**  
**FILE NO: 4:11-cv-3679**

## JURY DEMANDED

## ORDER

Plaintiffs filed a motion to compel discovery responses from Defendants' and a motion for sanctions alleging discovery abuse by the Defendants under Fed. R. Civ. P. 37. After reviewing Plaintiffs' motion Defendants' responses and answers (if any) the Court rules as follows.

It is ORDERED that Defendant Special Cheers' objection to Plaintiffs Request for Production numbers 1-37 and 39-45 are overruled. Defendant Special Cheers is ordered to amend their discovery responses and produce all relevant materials to the Plaintiffs within 10 days.

It is ORDERED that Defendant Special Cheers' objection to Plaintiffs First Set of Interrogatories numbers 2, 4, 5 and 8-10 are overruled. Defendant Special Cheers is ordered to amend their discovery responses and fully respond to Plaintiffs interrogatories within 10 days.

It is ORDERED that Defendant Fritz Glover Strowmatt's objection to Plaintiffs Request for Production numbers 1-26 are overruled. Defendant Fritz Glover Strowmatt is ordered to

amend her discovery responses and produce all relevant materials to the Plaintiffs within 10 days.

It is ORDERED that Defendant Fritzi Glover Strowmatt's objection to Plaintiffs First Set of Interrogatories numbers 1, 2, 5, 6, 8, and 9 are overruled. Defendant Fritzi Glover Strowmatt is ordered to amend her discovery responses and fully respond to Plaintiffs interrogatories within 10 days.

It is ORDERED that Defendant Chad Strowmatt's objection to Plaintiffs Request for Production numbers 1-26 are overruled. Defendant Chad Strowmatt is ordered to amend his discovery responses and produce all relevant materials to the Plaintiffs within 10 days.

It is ORDERED that Defendant Chad Strowmatt's objection to Plaintiffs First Set of Interrogatories numbers 1, 2, and 5-9 are overruled. Defendant Chad Strowmatt is ordered to amend his discovery responses and fully respond to Plaintiffs interrogatories within 10 days.

The Court further finds that Defendants filed multiple frivolous objections and their refusal to amend their responses and work with counsel for the Plaintiffs regarding these issues despite two extensions and multiple phone calls, letters and emails from counsel for the Plaintiffs constitutes an evasive and incomplete response. Attorneys for the Plaintiff are entitled to recover their reasonable and necessary attorneys fees and this Court awards Plaintiffs counsel \$2,575.00 in attorney's fees. Counsel for the Defendants are ordered to pay said attorney's fees to counsel for the Plaintiffs within 10 days.

SIGNED at Houston, Texas on this the 1<sup>st</sup> day of May, 2012.

  
Kenneth M. Hoyt  
United States District Judge